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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PWU, JEFFREY C

ART UNIT PAPER NUMBER

2143

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/029,310

Applicant(s)

CELIK ET AL.

Examiner

Jeffrey C. Pwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/2/05 Election.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32,39-46 and 51 is/are pending in the application.  
4a) Of the above claim(s) 33-38 and 47-50 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-32,39-46 and 51 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Applicant's election without traverse of Group I in the reply filed on 9/2/2005 is acknowledged. Claims 33-38 and 47-50 are withdrawn from further consideration pursuant to 37 CFR 1.142(b).

***Title***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1-32, 39-46, and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Faris et al. (U.S. 6,659,861).

Faris et al. disclose claims :

1. In a system that includes one or more nodes connected with a central server (100 "Primary Server") that receives content including audio and video content from a broadcast source, and

wherein the content is delivered to the one or more nodes by feature applications, a method for dynamically distributing a feature application across a node ("client machine" 160) and the central server (100), the method comprising:

loading a node application at the node; ("software download" 415)

selecting the feature application for distribution across the node and the server, wherein the feature application comprises a user interface portion and a process portion; (970 "client machine

loading a user interface portion of the feature application at the node by the node application, wherein the user interface portion communicates with a process portion of the feature application that is loaded on the central server; (GSU-global synchronization unit 175)

5. making a request, by the user interface portion, to the process portion for data; receiving processed data from the process portion; and presenting the processed data at the node. (GSU)

2. A method as defined in claim 1, further comprising the node application: loading additional user interface portions of additional feature applications; allocating resources of the node between the user interface portions of the feature applications that are loaded on the node. (see 175 of fig. 8A and feature applications loaded into GSU node - fig. 9)

3. A method as defined in claim 1, wherein selecting the feature application further comprises receiving user input. (remote control device 980)

4. A method as defined in claim 1, wherein loading a node application further comprises:

displaying a preliminary user interface at the node; requesting a current time and a current date from the central server; requesting user-independent preferences for the node; requesting an initial user interface; and displaying the initial user interface at the node, wherein the feature application is launched from the initial user interface. (971)

5. A method as defined in claim 1, wherein making a request, by the user interface portion, to the process portion for data further comprises making a remote procedure call using a protocol. (980)

6. A method as defined in claim 5, wherein the protocol is one of COM, DCOM and SOAP. (col.190, lines 21-26)

7. A method as defined in claim 1, wherein presenting the processed data at the node further comprises constructing a user interface using standards provided by the node application. (175)

8. A method as defined in claim 8, wherein constructing a user interface further comprises: creating an XHTML representation of the user interface; generating one or more placeholder areas within the XHTML; describing the presentation and layout of the user interface; and using a behavior to control creation of dynamic content. (col.22, lines 34-63)

9. In a system that includes one or more nodes connected with a central server that receives content including audio and video content from a broadcast source, and wherein the content is

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delivered to the one or more nodes by feature applications, a computer program product for implementing a method for dynamically distributing a feature application across a node and the central server, the computer program product comprising: a computer readable medium having computer executable instructions for performing the method, the method comprising: loading a node application at the node; selecting the feature application for distribution across the node and the server, wherein the feature application comprises a user interface portion and a process portion; loading a user interface portion of the feature application at the node by the node application, wherein the user interface portion communicates with a process portion of the feature application that is loaded on the central server; making a request, by the user interface portion, to the process portion for data; receiving processed data from the process portion; and presenting the processed data at the node. (claim 9 is similarly rejected as in claim 1)

10. A computer program product as defined in claim 9, further comprising the node application: loading additional user interface portions of additional feature applications; and allocating resources of the node between the user interface portions of the feature applications that are loaded on the node. (175)

11. A computer program product as defined in claim 9, wherein selecting the feature application further comprises receiving user input. (980)

12. A computer program product as defined in claim 9, wherein loading a node application further comprises: displaying a preliminary user interface at the node; requesting a current time

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and a current date from the central server; requesting user-independent preferences for the node; requesting an initial user interface; and displaying the initial user interface at the node, wherein the feature application is launched from the initial user interface. (see 175 of fig.8A and feature applications loaded into GSU node - fig.9)

13. A computer program product as defined in claim 9, wherein making a request, by the user interface portion, to the process portion for data further comprises making a remote procedure call using a protocol. (980)

14. A computer program product as defined in claim 13, wherein the protocol is one of COM, DCOM and SOAP. (col.190, lines 21-26)

15. A computer program product as defined in claim 9, wherein presenting the processed data at the node further comprises constructing a user interface using standards provided by the node application. (primary server 100)

16. A computer program product as defined in claim 15, wherein constructing a user interface further comprises: creating an XHTML representation of the user interface; generating one or more placeholder areas within the XHTML; describing the presentation and layout of the user interface; and using a behavior to control creation of dynamic content. (col.22, lines 34-63)

17. In a system that includes one or more nodes connected with a central server that receives content including audio and video content from a broadcast source, and wherein the content is delivered to the one or more nodes by feature applications, a method for dynamically distributing a feature application across a node and the central server, the method comprising: receiving a request for a node application from the node; sending the node application to the node, wherein the node application is retrieved from a remote server over a network if the node application for the node is not stored on the central server; receiving a request for the feature application; delivering a user interface portion of the feature application to the node, wherein a process portion of the feature application is executed on the central server; processing each request from the user interface portion by the process portion of the feature application, wherein the process portion utilizes resources of the central server to process each request; and providing the user interface portion with results of each request, wherein the user interface portion presents the results to the user. (Claim 17 is similarly rejected as in claim 1)

18. A method as defined in claim 17, wherein sending the node application further comprises sending an initial user interface to the node. (see 175 of fig. 8A and feature applications loaded into GSU node - fig. 9)

19. A method as defined in claim 17, wherein processing each request from the user interface portion further comprises formatting the results of each request using a standard. (Set-Top Machine 970)



20. A method as defined in claim 17, wherein providing the user interface portion with results of each request further comprises delivering the results using a protocol. (FTP;EDI)

21. A method as defined in claim 20, wherein the protocol is a remote procedure call. (FTP;EDI)

22. A method as defined in claim 17, wherein processing each request from the user interface portion further comprises accessing content stored on the server or on a remote server. (110)

23. A method as defined in claim 17, further comprising recording content, wherein the content comprises a television program that is received over the satellite system or the cable system.  
(180, 950)

24. A method as defined in claim 17, further comprising implementing the node application on the central server such that a user can select the feature application from the central server. (100)

Claim 25-32, 39-44 and 51 are similarly rejected as in claims 1-24.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798. The examiner can normally be reached on 7:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



11/27/05

EXAMINER